

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-20 are pending in the present application. Claims 1, 12, and 18 are amended. Claims 1, 8, and 12 are independent claims. The Examiner is respectfully requested to reconsider his rejections in view of the following Remarks.

Allowable Subject Matter

It is gratefully acknowledged that the Examiner has allowed claim 8, and considers the subject matter of 16 as being allowable if rewritten in independent form.

Rejection Under 35 U.S.C. § 103

Claims 1-7, 9-15, and 17-20 stand rejected under 35 USC § 103(a) as being unpatentable over US Patent No. 6,016,184 to Haneda (hereafter “Haneda”) in view of US Patent No. 6,137,534 to Anderson (hereafter “Anderson”). This rejection is respectfully traversed.

In the outstanding Office Action, the Examiner acknowledges that Haneda and fails to disclose “converting original image data into displayed size image data necessary” (Office Action at page 3, first paragraph). The Examiner imports the teachings of Anderson to disclose “converting original image data into compressed display-sized image data” (Office Action at page 3, second paragraph). The Examiner further asserts that Anderson teaches that the creation of such display-sized image data is “optional if the reproduction hardware is capable of providing image data rapidly enough” (page 3, second paragraph, citing Anderson at column 6, lines 25-27).

The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haneda, as taught by Anderson. The Examiner asserts that one of ordinary skill would have been motivated to modify Haneda in view of Anderson “to speed up display of image data during image data reproduction if the reproduction hardware is not capable of providing image data rapidly enough.”

No Motivation to Combine

Applicant respectfully submits that the only way Haneda and Anderson could be thus combined is by utilizing Applicant's disclosure as a blueprint, which is not permitted. C.R. Bard, Inc. v. M3 Systems, Inc., 48 USPQ2d 1225 (Fed. Cir. 1998); Interconnect Planning Corp. v. Feil, 227 USPQ 543 (Fed. Cir. 1985); In re Rouffet, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998).

The CAFC has stated that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for showing of the teaching or motivation to combine prior art references. In re Dembiczak, 50 USPQ2d 1614 (Fed. Cir. 1999). Evidence of a suggestion, teaching or motivation to combine may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or in some cases, from the nature of the problem to be solved. Dembiczak, at 1617.

The Prior Art References Themselves

Haneda discloses a filing system for inputting images from certain types of media (i.e., photographic film, printed matter, or memory card) and storing the resultant digital image data. Specifically, Haneda's system stores aspect ratio information in the same file as the original image data, in order to allow the aspect ratio of the image to be altered at will during future use. Haneda also allows a thumbnail version of the image to be stored in the image file. However, Haneda discloses nothing with respect to a portable digital camera. Also, Haneda does not teach or suggest accelerating the process of displaying images.

On the other hand, Anderson discloses a digital camera having a viewfinder capable of displaying previously captured images in review and play mode. The passages of Anderson cited by the Examiner teach that the use of **screennail images** is optional based on how rapidly the camera hardware is capable of providing images. Anderson teaches that the screennail images are used for accelerating the process of displaying images in play mode. However, Anderson does not contemplate a filing system allowing the aspect ratio of the stored image to be altered during future use.

As a result, applicant respectfully submits that neither Haneda nor Anderson provide a motivation for combining one with the other.

Nature of the Problem to be Solved

Applicant respectfully submits that the problem being solved in Haneda is to allow an image, which is photographed according to one aspect ratio, to be used at different aspect ratios in the future without changing the original image data stored in the image file.

Conversely, the cited passages in Anderson are concerned with the slowness in viewing images in play mode, as a result of decompressing and resizing the original image data stored in the image file. Anderson attempts to solve this through the use of screenail images.

Applicants respectfully submit that the problems being solved by Haneda and Anderson are completely different, which is evidence of the non-combinability of these two references.

Knowledge of One of Ordinary Skill in the Art

As suggested in Dembiczak, the final source for suggestion, teaching or motivation could be the knowledge of one of ordinary skill in the art. Regardless of the source, the Examiner is still required to provide actual evidence. It must be based on specific, objective evidence of record. In re Lee, 61 USPQ2d 1430 (Fed. Cir. 2002). Broad conclusory statements regarding the teaching of multiple references, standing alone, are not evidence. Broad denials and conclusory statements are not sufficient to establish a genuine issue of material fact. Dembiczak at 1617.

As discussed above, the Examiner asserts that one of ordinary skill in the art would have modified Haneda as taught by Anderson in order to “speed up the display of image data during image data reproduction, if the reproduction hardware is not capable of providing image data rapidly enough.”

However, Anderson teaches that the use of the screenail image for a specialized type of image reproduction, i.e., viewing images on the small LCD viewfinder of a digital camera. In such an application, Anderson contemplates that the user of the camera will sacrifice resolution for increased speed. Also, Anderson teaches that screenail images are used for displaying images without the delay incurred by certain types of image processing, i.e., decompression and resizing of original image data (see column 6, line 60 – column 7, line 5).

Haneda, on the other hand, does not contemplate the type of image reproduction associated with Anderson's screenail images. There is no teaching or suggestion in Haneda of reproducing the image on a digital camera viewfinder during play mode. Nor does Haneda contemplate displaying images on other small-resolution display devices. Further, Haneda's filing system contemplates end user applications where the user is more concerned with image quality characteristics, such as aspect ratio, rather than display speed.

In fact, it is clear that Haneda **teaches away** from Anderson's concept of bypassing image processing steps (decompression and resizing) to accelerate image display. Haneda's image reproduction apparatus executes an **additional image processing step** of aspect alteration based on the aspect ratio information in the image file.

Thus, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to implement Anderson's screenail images or accelerated image display as part of the image reproduction in Haneda.

Accordingly, Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to modify Haneda in view of the teachings of Anderson based on either the Examiner's asserted motivation.

Since the Examiner has failed to establish a proper motivation, either from the references themselves, by virtue of the nature of the problem being solved by the references, or by knowledge of one of ordinary skill in the art, Applicant respectfully submits that the Examiner has failed to establish a proper *prima facie* case of obviousness.

Haneda/Anderson Fails to Teach Every Claimed Feature

Furthermore, Applicants point out the following quote from M.P.E.P. § 2143.03:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.
In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Applicant respectfully submits that Haneda and Anderson fail to provide a teaching or suggestion of all of the features in the claimed invention.

Specifically, independent claims 1 and 12 recite converting the original image data, which is read from the interchangeable recording medium, when necessary by either decreasing or increasing the size of the original image data substantially to the display size of the display. According to the Examiner, Haneda fails to disclose converting the original image data if necessary (see Office Action at page 3, first paragraph). Applicants submit that Anderson does not disclose this feature as well.

In the rejection, the Examiner relies on Anderson to teach the above feature (see Office Action at page 3, second paragraph). However, wish to point out the following quote in column 7, lines 31-41:

When generating the thumbnail and screenail images of 606 and 608, the present invention takes advantage of the fact that the YCC data in the frame buffers in 536 has already been processed by the live view generation process 612 and stored at a reduced resolution of the LCD screen 402. Since the thumbnail and screenail images 606 and 608 are also intended to be lower-resolution representations of the captured image, the previously processed.
YCC data in the frame buffers 536 is used to generate the thumbnail 606 and screenail 608 directly...

Accordingly, Anderson's generation of the screenail image cannot properly be interpreted as a conversion of the original image data, which is read from an **interchangeable**

recording medium, as required by independent claims 1 and 12. Instead, Anderson creates the screenail image from data in the **buffers** of the camera.

Furthermore, since the cited portion of Anderson merely refers to the creation of thumbnail or screenail images, it does not teach or suggest converting original image data by increasing the size of the original image data substantially up to the display size, as recited in claims 1 and 12.

Since Haneda and Anderson, either taken alone or in combination, failed to disclose each and every claim future, this respectfully submitted that a prima facie case of obviousness has not been established.

Applicants respectfully submit that independent claims 1 and 12 are allowable at least for the reasons set forth above. Furthermore, applicants submit that claims him 2-7, 9-11, 14, 15, and 17-20 are allowable at least by virtue of their dependency on claims of 1 and 12. Thus, reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

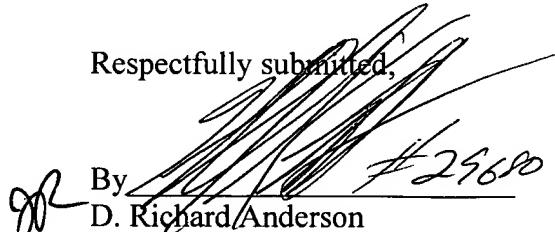
The Examiner is respectfully requested to enter this Amendment After Final. In view of the Remarks above, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,


By 
D. Richard Anderson
Registration No.: 40,439
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant